

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/798,766  
Confirmation No.: 8361  
Filing Date: March 11, 2004  
Examiner: Joseph R. Kosack  
Group Art Unit: 1626  
Applicants: Francois Maltais et al.  
For: COMPOSITIONS USEFUL AS PROTEIN KINASE  
INHIBITORS

April 11, 2007  
Cambridge, Massachusetts

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(b) and (c)

Dear Sir:

VERTEX PHARMACEUTICALS INCORPORATED, a corporation organized and existing under the laws of the Commonwealth of Massachusetts, having an office and place of business at 130 Waverly Street, Cambridge, Massachusetts 02139-4242 (hereafter, "VERTEX"), represents that it is the assignee of record of the entire right, title and interest, by assignment, of the following: United States Patent Application No. 10/798,766 (hereafter, "the '766 application"), for "COMPOSITIONS USEFUL AS PROTEIN KINASE INHIBITORS," filed on March 11, 2004; United States Patent Application No. 10/770,814 (hereafter, "the '814 application"), for HETEROCYCLIC INHIBITORS OF ERK 2 AND USES THEREOF, filed on February 3, 2004, which is a divisional of United States Patent Application Serial No. 10/071,699, now United States Patent No. 6,743,791; and United States Patent No. 6,743,791 (hereafter, "the 791

Rev. 3/8/05

Applicants: Maltais et al.  
Application No.: 10/798,766

patent"), for "HETEROCYCLIC INHIBITORS OF ERK 2 AND USES THEREOF,"  
filed on February 8, 2002 and issued on June 1, 2004.

An assignment of the entire right, title and interest in and to the subject matter of  
the '766 application was recorded in the United States Patent and Trademark Office on  
June 24, 2004 at Reel/Frame 015492/0852

An assignment of the entire right, title and interest in and to the subject matter of  
the '791 patent and the '814 application was recorded in the United States Patent and  
Trademark Office on August 11, 2003 at Reel/Frame 013865/0129.

The undersigned, on behalf of VERTEX, hereby disclaims the terminal portion of  
any patent granted on the '766 application that would extend beyond the expiration date  
of the '791 patent or any patent granted on the '814 application.

The undersigned, on behalf of VERTEX, agrees that any patent so granted on the  
'766 application shall be enforceable only for and during such period as the legal title to  
said patent shall be the same as the legal title to the '791 patent, the '814 application, and  
any patent granted on the '814 application, this agreement to run with any patent granted  
on the '766 application and to be binding upon the grantee of the patent and its  
successors and assigns.

The undersigned does not disclaim any terminal portion of any patent granted on  
the '766 application prior to the full statutory term of the '791 patent or any patent  
granted on the '814 application in the event that the '791 patent or any patent granted on  
the '814 application subsequently (a) expires; for failure to pay a maintenance fee, (b) is  
held unenforceable, (c) is found invalid by a court of competent jurisdiction, (d) is  
statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), (e)

Applicants: Maltais et al.  
Application No.: 10/798,766

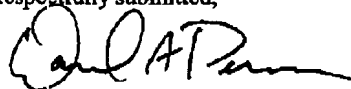
has all claims canceled by a reexamination certificate, or (f) is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

The undersigned hereby states and certifies that:

1. The undersigned is an agent of record in the above-identified patent application and is authorized to act on behalf of assignee corporation in connection with said application; and

2. The above-identified assignment document has been reviewed and, to the best of the undersigned's and assignee's knowledge and belief, title to the '791 patent and to the '766 application is in assignee.

Respectfully submitted,



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